

VZCZCXRO0633
RR RUEHAST RUEHBI RUEHCI RUEHLH RUEHPW
DE RUEHDBU #0830/01 1750449
ZNR UUUUU ZZH
R 230449Z JUN 08
FM AMEMBASSY DUSHANBE
TO RUEHC/SECSTATE WASHDC 0666
INFO RUCNCLS/SOUTH AND CENTRAL ASIA COLLECTIVE
RUEAWJA/DEPARTMENT OF JUSTICE WASHINGTON DC

UNCLAS SECTION 01 OF 02 DUSHANBE 000830

SENSITIVE
SIPDIS

STATE FOR SCA/CEN (DUANE), INL/AAE (BUHLER)

E.O. 12958: N/A

TAGS: [PGOV](#) [KJUS](#) [SNAR](#) [KCRM](#) [TI](#)

SUBJECT: TAJIKISTAN'S PROSECUTOR GENERAL'S OFFICE - IT'S ALL ABOUT
US

REF: Dushanbe 688

11. (SBU) Summary: The Tajikistani Prosecutor General's Office (which equates to the Attorney General's Office in the United States, but has substantial investigatory powers not possessed by American prosecutors) continues to oppose anticipated reforms to the Criminal Procedure Code that will bring the criminal justice system more in line with international standards. Matluba Abdulloeva, Head of the International Department of the Prosecutor General's Office, said that the Ministry of Justice distributed the closely-held draft Criminal Procedure Code to select law enforcement entities for comment, and that the Procuracy disagreed with provisions that would transfer exclusive authority over arrest and detention decisions from the prosecutors to the judiciary. Abdulloeva was unable to provide examples of specific training that would benefit prosecutors, but acknowledged the value of professional study tours. She said that the Prosecutor General prefers to pick participants for prosecutor exchange programs and study tours, claiming he knew the most qualified candidates. End summary.

12. (SBU) During a recent courtesy call by EmbOffs, Abdulloeva offered that, as part of the interagency clearance process, the Procuracy received for comment a copy of the draft Criminal Procedure Code. The Procuracy responded negatively to provisions that would transfer exclusive authority over arrest and detention decisions from the prosecution to the judiciary (reftel). The Procuracy's position is that the power to issue warrants and detain suspects should remain with the prosecutors, as this arrangement is most effective for fighting crime in Tajikistan. Abdulloeva deflected Embassy's interest in a copy of the draft, stating that any requests must be made directly to the official working group. EmbOff reiterated that the international donor group remains willing to provide technical assistance to Tajikistan's interagency working group that is revising the Code. The Ministry of Justice has restricted access to the draft Code and distributed copies for comment only to select law enforcement entities. (Comment: This is welcome first evidence that the working group is actually making headway. However, notwithstanding multiple offers from the international community, it continues to work in a shroud of secrecy. End comment.)

TRAINING PROSECUTORS? THANKS, WE'LL THINK ABOUT IT

13. (SBU) Abdulloeva declined to comment on or identify which subject areas and types of training might prove most useful for prosecutors.

In response to questions regarding how the U.S. Mission might assist the Procuracy to improve prosecutors' education and qualifications (especially as reforms unfold), Abdulloeva said that the Procuracy selects the best graduates of law faculties, and that good prosecutors require experience, not just education. The Procuracy welcomes study tours where Tajikistani prosecutors can share experiences with counterparts from other countries. INL Officer offered his successful experience with the Kazakhstan

Prosecutor General's Office in improving the collection and analysis of crime statistics. EmbOfs expressed mutual interest in meeting with the head of the Department of Statistics and Analysis and visiting the Procuracy's Dushanbe training facility. Abdulloeva indicated both were possible.

14. (SBU) Currently, the Procuracy sends up to 40 prosecutors annually on out-of-country training excursions funded and organized by members of the international community, including the Shanghai Cooperation Organization. In addition, the Procuracy trains prosecutors from all regions of Tajikistan at a facility in Dushanbe. Courses last from one to two weeks and can accommodate up to 50 prosecutors at one time. Abdulloeva expressed appreciation for international support and especially the United States' interest in improving the qualifications of Tajikistan's prosecutors.

PROCURACY PREFERS TO PICK AND CHOOSE

14. (SBU) Abdulloeva delivered a message from the Prosecutor General that he would prefer to personally select candidates to attend training funded by the United States, rather than having the U.S. Embassy select candidates. She commented that most of the time, the Prosecutor General is unaware of the selection process and criteria, and candidate slates come as a surprise. This issue has been an ongoing area of contention after the Prosecutor General cancelled an Open World Study Tour for prosecutors following a disagreement over the participants. INL Officer responded that the best way for successful cooperation in the field of training is bilateral consultations.

DUSHANBE 00000830 002 OF 002

15. (SBU) Comment: The Prosecutor General remains adamant about preserving powers over arrest and detention that are not consistent with a fair criminal justice system. He is also unwilling to cede authority over choosing participants for training and exchange programs. Embassy will follow-up with Abdulloeva and press for a visit to the Procuracy's training center and the Department of Statistics and Analysis, and we will continue to educate the Prosecutor General about our exchange and assistance opportunities. End comment.

JACOBSON